

EC-1635. A communication from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.606(b), Table of Allotments, TV Broadcast Stations (New Iberia, LA)" (Doc. No. 01-2) received on April 24, 2001; to the Committee on Commerce, Science, and Transportation.

EC-1636. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Prohibited Area P-49 Crawford; Texas" (RIN2120-AA66) (2001-0063) received on April 5, 2001; to the Committee on Commerce, Science, and Transportation.

EC-1637. A communication from the Attorney/Advisor of the Department of Transportation, transmitting, pursuant to law, the report of a nomination for the position of Assistant Secretary for Budget and Programs, Office of the Secretary; to the Committee on Commerce, Science, and Transportation.

EC-1638. A communication from the Attorney/Advisor of the Department of Transportation, transmitting, pursuant to law, the report of a vacancy in the position of Assistant Secretary for Budget and Programs, Office of the Secretary; to the Committee on Commerce, Science, and Transportation.

EC-1639. A communication from the General Counsel of the Federal Emergency Management Agency, transmitting, pursuant to law, the report of the designation of acting officer for the position of Associate Director, Preparedness Training and Exercise Director; to the Committee on Environment and Public Works.

EC-1640. A communication from Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; New York; Motor Vehicle Inspection and Maintenance Program" (FRL6924-3) received on April 23, 2001; to the Committee on Environment and Public Works.

EC-1641. A communication from the Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of State Plans For Designated Facilities and Pollutants: Rhode Island; Plan for Controlling Emissions From Existing Hospital/Medical/Infectious Waste Incinerators" (FRL6941-1) received on April 23, 2001; to the Committee on Environment and Public Works.

EC-1642. A communication from the Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of State Implementation Plans; Illinois" (FRL6970-6) received on April 23, 2001; to the Committee on Environment and Public Works.

EC-1643. A communication from the Acting Director of the Trade and Development Agency, transmitting, the report or a vacancy and the designation of acting officer for the position of Director; to the Committee on Foreign Relations.

EC-1644. A communication from the Acting Director of the Defense Security Cooperation Agency, transmitting, pursuant to law, the annual report on Military Assistance, Military Exports, and Military Imports; to the Committee on Foreign Relations.

#### PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-20. A resolution adopted by the House of the Legislature of the State of Utah relative to Indian Health Services; to the Committee on Appropriations.

#### HOUSE RESOLUTION No. 8

Whereas, since the mid-1980's the Navajo Nation and Indian Health Services have planned the construction of the Red Mesa Health Center and staff quarters to improve access to health care for the 10,000 people residing in southeast Utah and northeast Arizona;

Whereas, local land users donated 75 acres of land at Red Mesa, Arizona, for the development of the Red Mesa Health Center and staff quarters;

Whereas, all of the necessary documents including legal surveys and environmental clearance have been completed and the site has been legally withdrawn by the Navajo Nation for the project;

Whereas, the United States Congress appropriated design funds in fiscal year 2000 for the design of the Red Mesa Health Center;

Whereas, the Indian Health Services has hired an architectural firm and the project is currently in design;

Whereas, a construction manager also has been hired to oversee the construction of the project once it is designated and construction funds are appropriated;

Whereas, the Red Mesa Health Center, when completed, will provide adult and pediatric medical service, diagnosis and laboratory services, short stay nursing beds, dental physical therapy, and 24-hour emergency care;

Whereas, most of the services that would be provided by the Red Mesa Health Center are currently unavailable in the proposed service area and the local people have to travel to Shiprock, New Mexico, to receive these services;

Whereas, travel distance to Shiprock for the user population is an average of 60 miles;

Whereas, Indian Health Services planned the Red Mesa Health Center with 93 units of staff quarters due to the remoteness of the site;

Whereas, housing availability is critical in the recruitment and retention of medical doctors, nurses, and other health professionals on the Navajo Nation; and

Whereas, it is vital that the staff quarters to be constructed at the same time as the health center in order for the clinic to open with adequate staffing: Now, therefore, be it

*Resolved*, That the House of Representatives of the state of Utah urges the United States Congress to appropriate \$48 million in construction funds as part of the Indian Health Services budget for fiscal year 2002 for the Red Mesa Health Center and staff quarters at Red Mesa, Arizona. Be it further

*Resolved*, That a copy of this resolution be sent to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of Utah's congressional delegation.

POM-21. A joint resolution adopted by the Legislature of the State of Utah relative to the Presidential tax relief plan; to the Committee on Finance.

#### HOUSE RESOLUTION No. 18

Whereas, federal taxes from all sources are currently the highest ever during peacetime;

Whereas, all taxpayers should be allowed to keep more of their own money;

Whereas, one of the best ways to encourage economic growth is to cut marginal tax rates across all tax brackets;

Whereas, under current tax law, low-income workers often pay the highest marginal rates and President Bush's tax cut would reduce the marginal tax rate by 40-50 percent for low-income families with children;

Whereas, President Bush's tax relief plan will contribute to raising the standard of living for all Americans by reducing tax rates, expending the child tax credit, and reducing the marriage penalty;

Whereas, President Bush's tax relief plan will increase access to the middle class for hard working families, treat all middle class families more fairly, encourage entrepreneurship and growth, and promote charitable giving and education; and

Whereas, under President Bush's tax relief plan, the largest percentage reductions will go to the lowest income earners:

Now therefore, be it *Resolved*, That the Legislature of the state of Utah urges the United States Congress to support and work to pass the tax relief plan introduced by President Bush.

Be it further *Resolved*. That a copy of this resolution be sent to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of Utah's congressional delegation.

POM-22. A joint resolution adopted by the Legislature of the State of Utah relative to the repealing, rescinding, and superseding of any and all existing applications to Congress for a constitutional convention previously made; to the Committee on the Judiciary.

#### HOUSE RESOLUTION No. 15

Whereas, the Legislature of the state of Utah, acting with the best of intentions, has, at various times, previously made applications to the Congress of the United States of America for one or more constitutional conventions for general purposes or for the limited purposes of considering amendments to the Constitution of the United States of America on various subjects and for various purposes;

Whereas, former Justices of the United States Supreme Court and other leading constitutional scholars are in general agreement that a constitutional convention, notwithstanding whatever limitations have been specified in the applications of the several states for a convention, would have within the scope of its authority the complete redrafting of the Constitution of the United States of America, thereby creating an imminent peril to the well-established rights of the people and to the constitutional principles under which we are presently governed;

Whereas, the Constitution of the United States of America has been amended many times in the history of the nation and may yet be amended many more times, and has been interpreted for 200 years and been found to be a sound document which protects the rights and liberties of the people without the need for a constitutional convention;

Whereas, there is no need for—rather, there is great danger in—a new constitution, the adoption of which would only create legal chaos in America and only begin the process of another two centuries of litigation over its meaning and interpretation; and

Whereas, such changes or amendments as may be needed in the present Constitution may be proposed and enacted, pursuant to the process provided therein and previously used throughout the history of this nation, without resort to a constitutional convention: now, therefore, be it

*Resolved*, By the Legislature of the state of Utah that any and all existing applications to the Congress of the United States of America for a constitutional convention or conventions heretofore made by the Legislature of the state of Utah under Article V of the constitution of the United States of America for any purpose, whether limited or general, be hereby repealed, rescinded, and

canceled and rendered null and void to the same effect as if the applications had never been made; be it further

*Resolved*, That the Legislature of the state of Utah urges the legislatures of each and every state which have applied to Congress for either a general or a limited constitutional convention to repeal and rescind the applications; and be it further

*Resolved*, That a copy of this resolution be sent to presiding officers of both houses of the legislatures of each of the other states of the Union, to the President of the United States Senate, to the Speaker of the United States House of Representatives, and to the members of Utah's congressional delegation.

POM-23. A joint resolution adopted by the Legislature from the State of Utah relative to a standard national poll closing time; to the Committee on Rules and Administration.

#### HOUSE RESOLUTION NO. 6

Whereas, during election night in 2000, television networks made declarations of victory for both candidates for President of the United States before the polls had closed;

Whereas, in one erroneous declaration, the winner of the eventually decisive state of Florida was announced hours before polls in the western region of the nation were closed and before all polls in western Florida had closed;

Whereas, when news services declare winners before the nation's polls close, voters in states where polls are not yet closed may conclude that their vote will not affect the outcome and choose not to vote;

Whereas, releasing the vote count results for states whose polls are closed before the closure of polling places in other regions of the country can distort the results of an election by suggesting that votes not yet cast will have no bearing on the outcome;

Whereas, in close races like the most recent election of President of the United States, declarations of victory before polls close can affect the outcome of the vote;

Whereas, a uniform poll closing time would prevent the publicizing of early election returns in one region of the nation from impacting the vote in other regions;

Whereas, if a uniform poll closing time was established for the Eastern, Central, Mountain, and Pacific time zones, polling places in western regions of the country could open earlier on the morning of election day to compensate for their earlier closing time; and

Whereas, uniform poll closing times in these time zones would significantly reduce the possibility that an election could be tainted by premature declarations of victory; now, therefore, be it

*Resolved*, that the Legislature of the State of Utah urge the United States Congress to institute uniform poll closing times for states in the Eastern, Central, Mountain, and Pacific time zones; be it further

*Resolved*, that the United States Congress review the factors that contributed to the problems in the 2000 General Election vote for the Presidency of the United States; and be it further

*Resolved*, that a copy of this resolution be presented to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of Utah's congressional delegation.

POM-24. A joint resolution adopted by the Legislature of the State of Utah relative to the enhancement and modernization of Social Security; to the Committee on Finance.

#### HOUSE RESOLUTION NO. 2

Whereas, Social Security is a federal program that requires almost unanimous participation by employed workers in the state of Utah and throughout the United States;

Whereas, the retirement portion of the Social Security tax is high, having risen from an initial rate of 1% of the first \$3,000 of a worker's income, up to a maximum of \$30 per year, to the present rate of 12.4% of the first \$80,400 of employee wages or self-employment income up to a maximum of \$830.80 per month or \$9,969.60 per year.

Whereas, the maximum Social Security retirement tax, paid by almost 11 million workers, has risen 5.51% in 2001 over the year 2000, and is now 57% higher than in 1990;

Whereas, because neither the employee's direct tax contribution to Social Security nor the employer's contribution on the employee's behalf appears on the employee's federal tax return, few employees understand the amount of Social Security retirement tax they actually pay each month;

Whereas, individuals can estimate their own Social Security tax cost by estimating 1% of annual compensation paid each month—for example, an annual income of \$30,000 would yield an estimated monthly Social Security retirement tax cost of \$300 per month.

Whereas, the Social Security retirement tax consumes nearly every dollar that many workers of modest income might otherwise be able to save and invest;

Whereas, because higher income workers are better able to save and invest over and above the amounts paid in Social Security taxes, escaping Social Security dependence, but modest income workers cannot, the system creates disproportionate dependence on the system by low and middle-income workers;

Whereas, for many lower income American workers, the Social Security retirement tax represents virtually all of the monthly retirement savings they assemble;

Whereas, with the individual retirement benefit currently ranging from a low of just a few dollars per month to a high of approximately \$1,400 per month, and the average monthly retirement benefit currently at about \$845 per month, Social Security retirement benefits amount to a below poverty level subsistence for many retirees;

Whereas, although Social Security was originally intended to merely supplement other core retirement income sources, the high tax rate prohibits many workers from ever adequately saving and investing, and as a consequence, Social Security has become the core retirement income source for many Americans;

Whereas, national demographics have shifted significantly since the system was created as a part of President Roosevelt's New Deal policies;

Whereas, in 1945, 41.9 workers supported each retiree, and today just 3.3 workers support each retiree;

Whereas, the ratio is expected to dwindle to 2 workers per retiree within the next 30 years, making the current system unsustainable;

Whereas, tax receipts currently exceed benefit payments, yet, Social Security Trustees estimate that benefit payments will exceed tax receipts, producing annual deficits, beginning in approximately 15 years, or the year 2015;

Whereas, the Social Security Trustees estimate the cumulative annual deficits for years 2015 through 2075 to reach \$21.6 trillion;

Whereas, it is unethical to perpetuate a system that accrues benefits for a current generation of retirees at the expense of younger workers who will likely never collect benefits but will inherit the mounting debt;

Whereas, the current system is unfair to future retirees because after a lifetime of paying into the system, a worker retains no legal right nor claim to any amount or ben-

efit, but is subject to future congresses who will set the benefit rates;

Whereas, the current system is unfair to those who die prematurely because it is possible to pay for a lifetime into the system yet draw only minimal benefit or even no benefit prior to death and leave no residual value to any heir;

Whereas, the current system is unfair to widows and widowers because they must forego either their own benefit or their deceased spouse's benefit ("widow(er)" benefit), and may claim the widow(er) benefit only after attaining qualification age themselves regardless of the age of the deceased spouse;

Whereas, the current system is unfair to women who leave employment to raise families because many women in Utah and throughout the United States work and pay retirement taxes into the system for many years but never complete the required 10 years or 40 quarters, before leaving employment, making them ineligible for retirement benefits;

Whereas, the system is unfair to some ethnic minorities, including African-Americans, whose life expectancies are shorter and will typically collect benefits for a shorter time period;

Whereas, retirement security is best achieved by regularly saving and investing one's own money over a lifetime of work, and public policy regarding Social Security should support, facilitate, and encourage saving rather than discourage or deter it;

Whereas, the objective of Social Security privatization is for individual workers to have legal ownership in a retirement asset that can be used and ultimately passed on to heirs;

Whereas, even with modest return assumptions, the private, individually owned account can be expected to produce a significantly enhanced retirement income;

Whereas, private individually owned accounts accrue value and future benefits to the workers regardless of future congressional actions;

Whereas, private, individually owned accounts grow on behalf of the worker whether or not the worker completes 40 quarters of contributions;

Whereas, private, individually owned accounts can be passed on by inheritance to spouses, children, or grandchildren, affording an opportunity for long-term-generational wealth accumulation;

Whereas, a national system of private, individual accounts can be perpetuated without end and without concern for projected dates of insolvency;

Whereas, private, individual accounts afford workers the opportunity to select from among multiple investment options, including government bonds or prudent, diversified investment models like those used by large pension or endowment funds;

Whereas, workers around the world are embracing privatized systems as a workable solution to an overburdened government Social Security program;

Whereas, the successful pioneer Chilean model was commenced 20 years ago with at least seven other Latin American countries following suit;

Whereas, Great Britain, Australia, and Singapore have also adopted private options, similar reforms are underway in Russia, Hungary, Poland, and Kazakhstan, and the People's Republic of China have embraced a private option with workers contributing one-half of their retirement funds into an individual account system since 1996;

Whereas, some U.S. workers have enjoyed a private account system as certain municipalities, including Galveston, Texas were allowed to opt out of Social Security in favor of a privatized system prior to 1981; and

Whereas, since many Americans are unable to save and invest for retirement beyond the 12.4% payroll tax, a privatized Social Security option may be the only hope for many lower income or economically disadvantaged Americans to achieve financial empowerment and retirement security: now, therefore, be it

*Resolved*, That the Legislature of the state of Utah urge the United States Congress to enact legislation to allow individual workers to choose to remain in the current system or to select a private account option. Be it further

*Resolved*, That the Legislature urge that the legislation not disrupt the benefits paid to existing Social Security recipients. Be it further

*Resolved*, That the legislation create private accounts to be owned and controlled by individual employees or workers, allow the individual employee or worker discretion to invest among multiple prudent and diversified investment options, and create minimum guaranteed income, disability, and death benefits in the private account. Be it further

*Resolved*, That a copy of this resolution be sent to the Speaker of the United States House of Representatives, the President of the United States Senate, and the members of Utah's congressional delegation.

POM-25. A concurrent resolution adopted by the State of Utah relative to remembering those affected by Cold War nuclear testing; to the Committee on the Judiciary.

#### HOUSE RESOLUTION NO. 1

Whereas, January 27, 2001, marks the 50th anniversary of the beginning of nuclear testing at the Nevada test site on January 27, 1951;

Whereas, many Utahns and many other citizens of the United States of America living downwind of those tests suffered as a result of being "active participants" in the nation's nuclear testing program; and

Whereas, uranium miners in Utah, Colorado, New Mexico, Arizona, and the Navajo Nation whose work fueled the nuclear weapons program also suffered from exposure to radiation: Now, therefore, be it

*Resolved*, That the Legislature of the state of Utah, the Governor concurring therein, designate January 27, 2001, as a Day of Remembrance to recognize the legacy of the Cold War and express hope for peace, justice, healing, reconciliation, and the fervent desire and commitment to assure that such a legacy will never be repeated. Be it further

*Resolved*, That the Legislature and the Governor recognize the sacrifices of the downwinders, uranium miners, and all other participants and victims of the Cold War, and their losses due to this tragedy. Be it further

*Resolved*, That a copy of this resolution be sent to Downwinders, Inc. and the members of Utah's congressional delegation.

POM-26. A concurrent resolution adopted by the Legislature of the State of Utah relative to the appropriation of funds; to the Committee on Appropriations.

#### HOUSE RESOLUTION NO. 11

Whereas, 1.25 million acres of land in the state of Utah is infested with crickets and grasshoppers;

Whereas, \$22.5 million in crop losses have occurred in Box Elder and Tooele counties alone, with an additional \$5 million in damages in 16 other counties resulting from the infestation;

Whereas, crickets and grasshoppers have migrated from federal land, where no insecticides were sprayed, to surrounding private lands;

Whereas, on March 15, 2000, Governor Leavitt issued a declaration of agricultural emergency, sought federal disaster relief, and issued a letter of the United States Department of Agriculture seeking federal commodity credit corporation funds for the relief of affected Utah farmers;

Whereas, during 1999 and 2000, available state funds and limited federal assistance were used to treat affected lands, but little progress was made because the bulk of the federal assistance came late in the treatment season;

Whereas, the cricket and grasshopper infestation will be larger in 2001, with continued large economic losses to property owners and agricultural operators;

Whereas, available state funds will be insufficient to adequately control the situation; and

Whereas, since the problem originated on federal lands, the federal government should fund a substantial portion of the effort to eliminate the infestation and assist those whose livelihood has been devastated: Now, therefore, be it

*Resolved*, That the Legislature of the state of Utah, the Governor concurring therein, urges the United States Congress to provide funds sufficient to relieve Utahans of the devastating economic impact of the state's cricket and grasshopper infestation. Be it further

*Resolved*, That a copy of this resolution be sent to the President of the United States Senate, the Speaker of the United States House of Representatives, the United States Department of Agriculture, and the members of Utah's congressional delegation.

POM-27. A concurrent resolution adopted by the Legislature of the State of Utah relative to environmental preservation; to the Committee on Energy and Natural Resources.

#### HOUSE RESOLUTION NO. 3

Whereas, the existence of Glen Canyon Dam and Flaming Gorge Dam has allowed the seven Colorado River Basin states to share and cooperatively plan for the beneficial use of water for millions of citizens;

Whereas, Lake Powell and Flaming Gorge Reservoir provide water regulation and flood control capability in the Colorado River system for the citizens of the seven states;

Whereas, electric generating facilities at Glen Canyon Dam and Flaming Gorge Dam provide electricity to more than a million households;

Whereas, millions of visitors annually enjoy the recreational amenities and world-renown fisheries at Lake Powell and Flaming Gorge Reservoir; and

Whereas, the construction of the Glen Canyon Dam and the Flaming Gorge Dam has created a rich riparian habitat below the dams that did not previously exist: Now, therefore, be it

*Resolved*, That the Legislature of the state of Utah, the Governor concurring therein, urge the United States Congress and the Department of Interior officials to recognize and protect the water, power, recreation, and environmental benefits of Lake Powell and Flaming Gorge Reservoir, and the water regulation and flood control benefits to United States citizens from Glen Canyon Dam and Flaming Gorge Dam. Be it further

*Resolved*, That the Legislature and the Governor urge the United States Congress and Department of Interior officials to oppose any effort to breach or remove Glen Canyon Dam or Flaming Gorge Dam, or drain Lake Powell or Flaming Gorge Reservoir. Be it further

*Resolved*, That the Legislature and the Governor urge Congress and Department of

Interior officials to prohibit the use of federal funds for any studies concerning the breaching or removal of Glen Canyon Dam, Flaming Gorge Dam, Lake Powell, or Flaming Gorge Reservoir. Be it further

*Resolved*, That copies of this resolution be sent to the President of the United States Senate, the Speaker of the United States House of Representatives, the members of Utah's congressional delegation, and Department of Interior officials.

POM-28. A joint resolution adopted by the Legislature of the State of Maine relative to Support Pay Equity; to the Committee on Health, Education, Labor, and Pensions.

#### JOINT RESOLUTION

Whereas, the average American woman who works full time earns approximately 74¢ for each dollar that an average man earns working full time, and the average woman working full time in Maine earns approximately 73¢ for each dollar that an average man working full time in Maine earns; and

Whereas, the significant pay gap between men and women performing jobs of comparable skill, effort and responsibility, even when wages are adjusted for levels of education, contributes to the disproportionately high poverty rate among women and children in the State and across the Nation; and

Whereas, Congress has found that the gender-based wage gap depresses living standards for American women and their families, harms their health and efficiency, prevents the maximum utilization of available labor resources and tends to cause labor disputes, thereby burdening, affecting and obstructing commerce and creating unfair methods of competition; and

Whereas, justice requires that women be paid fairly for the value of their work; and

Whereas, the average wage gap between men and women has continued for decades without significant improvement, notwithstanding federal and state laws that prohibit discrimination in compensation for equal work on the basis of sex, including the federal Fair Labor Standards Act of 1938, Title VII of the federal Civil Rights Act of 1964 and the Maine Revised Statutes, Title 26, section 628; now, therefore, be it

*Resolved*, That We, your Memorialists, respectfully urge and request that the President of the United States and the Congress of the United States strengthen efforts to ensure that women are paid fairly for their work; and be it further

*Resolved*, That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Honorable George W. Bush, President of the United States, to the President of the United States Senate, to the Speaker of the United States House of Representatives and to each Member of the Maine Congressional Delegation.

#### REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. MCCAIN, from the Committee on Commerce, Science, and Transportation, with an amendment:

S. 319: A bill to amend title 49, United States Code, to ensure that air carriers meet their obligations under the Airline Customer Service Agreement, and provide improved passenger service in order to meet public convenience and necessity. (Rept. No. 107-13).

#### EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of committee were submitted: